

Serial No. 10/710,310
Attorney Docket No. 70655.1600

REMARKS

Applicants reply to the Advisory Action mailed on December 29, 2005, and request the Examiner to enter the amendments and consider these remarks prior to examining this application after RCE. Claims 1-10, 12, 15-27, 29-42 and 44-49 were pending in the application and the Examiner rejects claims 1-10, 12, 15-27, 29-42 and 44-49. In reply, Applicants amend claims 1, 12, 16, 22, 29, 35, and 47, add new claims 50-52, and address the Examiner's remarks. Thus, claims 1-10, 12, 15-27, 29-42 and 44-52 are now pending in the application. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejects claims 1-10, 12, 15-27, 29-42 and 44-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,636,620, ("Hoshino") in view of U.S. Patent Application No. 2002/0191816 ("Maritzen") and U.S. Patent Application No. 2005/0065872 ("Moebs"). Applicants respectfully traverse these rejections.

Applicants' amendment to independent claim 1, 22, and 35 renders these rejections moot. As indicated by the Examiner in the Office Action dated November 29, 2005, regarding claim 11 of application no. 10/710,308, "verifying whether the sample is associated with a preset transaction limit" is non-obvious.

Neither Hoshino, Maritzen, Moebs, nor any combination thereof, teaches or suggests at least a system "wherein said registered fingerprint sample is primarily associated with a preset transaction limitation and secondarily associated with a user account, and wherein said verification device is further configured to verify whether said proffered biometric sample is associated with said preset transaction limitation and to verify compliance with said preset transaction limitation" as recited in amended independent claim 1.

Similarly, neither Hoshino, Maritzen, Moebs, nor any combination thereof teaches or suggests at least a method including "registering a fingerprint sample by primarily associating

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said fingerprint sample with a preset transaction limitation and secondarily associating said fingerprint sample with a user account to create a registered fingerprint sample; . . . and selecting said user account to facilitate a smartcard payment transaction upon verification of said proffered fingerprint sample against said registered fingerprint sample, wherein said verification includes verification of compliance with said preset transaction limitation” as recited in amended independent claim 22.

Similarly, neither Hoshino, Maritzen, Moebs, nor any combination thereof, teaches or suggests at least a method including “verifying said proffered fingerprint sample by comparing said proffered fingerprint sample with a registered fingerprint sample, wherein said registered fingerprint sample is primarily associated with a preset transaction limitation and secondarily associated with a user account; using said user account to facilitate a smartcard payment transaction; and authorizing said smartcard payment transaction to proceed upon verification of said proffered fingerprint sample, said verification including determining compliance with said preset transaction limitation” as recited in amended independent claim 35.

Accordingly, Applicant respectfully request withdrawal of the rejection of claims 1, 22, and 35. Claims 2-10, 12, 15-27, 29-42 and 44-49 variously depend from independent claims 1, 22 and 35. Therefore, Applicants assert that claims 2-10, 12, 15-27, 29-42 and 44-49 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

New Claims 18-21

New claims 50-52 variously depend from claims 1, 22 and 35 and contain all of the elements thereof. Therefore, Applicants assert that new claims 50-52 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

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Conclusion

Applicants submit that the pending claims (48 total, 3 independent) are in condition for allowance. Reconsideration of the application is thus requested. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: January 18, 2006

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